



Town of Merrimack, New Hampshire

Community Development Department

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Planning - Zoning - Economic Development - Conservation

MEMORANDUM

Date: October 28, 2016

To: Robert Best, Chairman, & Members, Planning Board

From: Jillian M. Harris, AICP, Planning & Zoning Administrator

Subject: **Franklin Savings Bank (applicant) and KRG Merrimack Village, LLC. (owner)** — Review for acceptance and consideration of Final Approval to construct a 2,161 square foot bank. The parcel is located at 1 Dobson Way in the C-2 (General Commercial) and Aquifer Conservation Districts. Tax Map 4D, Lot 080.

Background

The subject property is an approximately 0.90 acre parcel located at 1 Dobson Way in the C-2 (General Commercial) and Aquifer Conservation Districts. The property is currently an undeveloped pad site associated with the adjacent Shaw's plaza shopping center.

The applicant is proposing a 2,161 sq. ft. bank building with two drive-thru windows and associated parking and drive lanes. The site contains an existing stormwater management area for the shopping plaza that will be partially filled and redesigned with a retaining wall to accommodate the parking lot. A stormwater management system that includes a closed drainage system and infiltration basin is proposed to handle the additional runoff associated with the project before it enters the existing stormwater management pond. The stormwater management report states that "based on survey data, its actual storage volume is greater than its original design capacity. The proposed reduction in its volume resulting from the proposed parking lot will result in near emulation of the original design volume." PWD raises concerns over the design of the detention basin and missing calculations for a 50 year design per Section 4.16(d).

The applicant proposes a new curb-cut on Camp Sargent Road as a right-turn into the site. Camp Sargent Road is listed as a Controlled Access ROW per State of NH DOT Plans. "Private access at grade is permitted along the highway at access points determined through the Public Hearing process" per the Report of the Commissioner. This portion of Camp Sargent Road is cited as being under the Town of Merrimack jurisdiction. A question has been raised to NHDOT about where jurisdiction lies for the public hearing process cited as we have received conflicting information from them and PWD about whether the Planning Board has jurisdiction to make entrance determinations along the Camp Sargent Rd. ROW.

The applicant has provided a Truck Movement Plan (Sheet T1) that does not show proper turning movement radius into and around the site for fire truck access. PWD raises concerns about radius and turning movements for passenger vehicles into and within the site and states that single unit trucks/busses (including armored cars, UPS, oil trucks and the like) cannot make the turn into the site from the proposed Camp Sargent entrance, nor the Dobson Way entrance.

As of the time of this memo's preparation, Staff has not yet received any peer review comments from CLD. Given the concerns raised about stormwater management, access and circulation, staff

recommends that the Board not take any final action on the application until such time that peer review comments from CLD and a response from NHDOT on the proposed Camp Sargent access are received.

Completeness

Staff recommends that the Board vote to accept the application, as it is substantially complete and contains sufficient information to invoke the Board's jurisdiction and to allow the Board to make an informed decision.

Waivers

The applicant has requested a waiver from Section 7.05.D.20.b – Minimum Distance Between Driveways. Staff recommends holding off on acting on waiver requests until resolution of NHDOT jurisdiction is settled.

Staff recommends that the Board vote with respect to any requested waivers utilizing the criteria from RSA 674:44:

- Strict conformity would pose an unnecessary hardship to the applicant and the waiver would not be contrary to the spirit and intent of the regulations; **or**
- Specific circumstances relative to the subdivision, or conditions of the land in such subdivision, indicate that the waiver will properly carry out the spirit and intent of the regulations.

Recommendation

Based on the information available to date, **staff recommends that the Board CONTINUE the application until December 6, 2016 (or another date certain agreeable to the applicant and the Board), so that peer review comments can be received, and to allow a response from NHDOT on jurisdiction over entrance determinations to a controlled access ROW. The following are a list of staff comments that can be discussed with the applicant at the hearing:**

1. Staff reserves the right to modify, delete, or add to these comments following receipt of peer review comments and/or any plan revisions;
2. Final plans to be signed by all property owners and signed and sealed by all appropriate professionals;
3. The applicant shall obtain all required Federal and State approvals/permits as may be applicable, including NHDOT Traffic Impact Study Review, note the approvals/permits on the plan and provide copies to the Community Development Department;
4. Any waivers granted (including Section and date granted) or any changes requested by the Planning Board shall be listed and fully described on the final plan, as applicable;
5. The applicant shall indicate any proposed easements on the plan, as applicable, including utility and access easements. A draft copy of any proposed easements and any applicable legal documents to be submitted to the Community Development Department for review and approval by the town's legal counsel (legal review shall be performed at the applicant's expense);
6. The applicant shall address any forthcoming comments from the Town's peer review consultant, CLD, as applicable;

7. The applicant shall address any forthcoming comments from the Merrimack Village District, as applicable;
8. The applicant shall address the following comments from the Merrimack Conservation Commission;
 - a. While the site is not immediately adjacent to Naticook Brook or the associated wetlands, the Commission recommends the applicants minimize the use of salt and/or de-icing compounds on the site. The Commission notified the applicant of the Green SnowPro certification program.
 - b. The Commission recommends that only no phosphate, slow release nitrogen fertilizers be used. The Commission further recommends that the applicant's contractor utilize a soil testing facility to determine what levels and applications rates are necessary prior to applying any fertilizes to the site. The Commission is opposed to using the current concentrations and application rates as noted on the site plans.
 - c. The Commission recommends that the word "hay" be removed and the word "straw" be used in its place everywhere in the plans. The Commission strongly discourages the use of hay for any aspects (mulch or erosion protection) of any project in Merrimack.
 - d. The Commission recommends the use of native plantings for all new greenscape designs.
9. The applicant shall address the following comments from the Department of Public Works, as applicable;
 - a. Section 4.06.1(m) - Letter attesting to the availability of the public gas, water and sewer services should be obtained for the lot.
 - b. The access off the Camp Sargent Road is not recommended by the DPW due to the close proximity to the wide entrances of the neighboring gas station, the exit/entrance to the FE Everett Turnpike and the traffic lights at Dobson Way. A compelling argument has not been made from the applicant for the necessity of this entrance. The entrance can only accommodate the turning radius of a single passenger vehicle and does not accommodate the radius of a single unit truck or bus which would include trucks like the armored car, UPS, oil trucks and the like. There is no way a fire truck would be able to enter the site using this entrance. Even if the radii at the entrance were corrected the curve in the driveway itself prohibits these vehicles entering into the site. For these reasons the entrance is not recommended.
 - c. In addition, the access is limited due to the fact that the lot fronts on Camp Sargent Road which is listed as a Controlled Access ROW per the State of NH Department of Transportation Plans. "Private access at grade is permitted along the highway at access points determined through the Public Hearing process. The "Report of the Commissioner," prepared after the Public Hearing, will show all previous access points and those granted as a result of the Hearing. Each of the points is clearly shown on the Right-of-Way Purchase Plans. If no points of access are granted, then that statement should be clearly stated on the Right-of-Way Plans as "zero points of access". Control or limitation of access can have significant impacts to property

value." It is not clear from the statement above that the Planning Board has the right to hold this hearing. This should be checked with NH Department of Transportation (NHDOT) to determine who can hold the hearing and make the entrance determinations. This area is a vital part to the NHDOT highway system.

- d. The entrance off of Dobson Way will also only accommodate a passenger vehicle. This entrance is extremely tight, in order for the passenger vehicle to enter the lot it needs to be on the far left side of the entrance at Dobson Way and turn into the site barely missing the curbing right in front of the bank. Once again, a single unit truck cannot make this turn into the lot without running into the building, let alone a fire truck. Therefore this entrance is also not recommended by the DPW.
 - e. The fire trucks as shown on sheet T1 would only allow for a fire truck coming from within the private plaza area and not from the Town Road. In other words the fire truck would have to enter at the other end of the plaza work their way down to this site to be able to handle a call to this building. Then, the truck entering the lot would have to cross right in front of out coming vehicles from the site barely making the turn between the curb lines. Coming out of the site, turning to the right, the fire truck would have to totally cross into the path of the outgoing vehicles on Dobson Way. The interior path lines for the fire truck as shown on the sheet are too narrow and don't accommodate the full turning radii or the overhang of the vehicle.
 - f. To accommodate all vehicles safely without inhibiting the existing vehicular flow on either Camp Sargent Road or from Dobson Way an alternate entrance and egress from the site needs to be reviewed, possibly from an abutting property.
 - g. The original design of the pond was for a 50 year design storm. This proposal would fill in a large portion of the detention basin with a retaining wall and fill for a parking lot. Beneath the parking lot would be infiltration chambers that are proposed at the same elevation as the bottom the existing basin. These would also fill up when the water level of the pond was high. The stormwater report on page 2 states that the detention basin has been designed with both the capacity for a 25 year and a 50 year storm. Calculations for a 50 year storm have not been included in the calculations provided. The regulations under section 4.16(d) call for a 50 year design for the detention pond. The infiltration practice design criteria also states that the basin doesn't meet the 50-year peak elevation.
 - h. There are different values for the outlet structure between the plans and the drainage calculations. This should be clarified. If changes are to be made to the existing slopes and outlet structure these should be shown on the plan.
10. The applicant shall address the following comments from the Fire Department, as applicable;
- a. The Town of Merrimack, Department of Fire Rescue, Office of the Fire Marshal requires (NFPA 1 Chapter 18) that fire department access roads be constructed and maintained so that fire apparatus can effectively operate during an emergency. The location of the access road(s) must provide for positioning of the fire apparatus to allow access to all sides of the structure. Unique building or occupancy conditions may trigger additional requirements from the Office of the Fire Marshal. The current site plan is very congested and does not allow adequate emergency vehicle access.
11. The applicant shall address the following comments from the Wastewater Division;

- a. A Town of Merrimack Wastewater Permit Application must be completed and approved by Ken Conaty before final plan can be approved by the Merrimack Wastewater Department. This permit also generates the appropriate sewer connection fees due the town before building permits can be issued.
- b. Sheet 6:
 - i. Plans show an 8"x6" reducer at the end of the existing lateral. It must be changed to a manhole as required by Town of Merrimack Sanitary Sewer Engineering Standards due to pipe size change. This manhole shall also be relocated to the paved area;
 - ii. Plans show a cleanout next to the building. It must be changed to a manhole as required by Town of Merrimack Sanitary Sewer Engineering Standards due to change in direction. This manhole shall be located in the paved area;
 - iii. Due to elevations it appears there may be a conflict in the elevation of the water lines and the sewerage lateral. Please include a detail of the crossing.
 - iv. Plans shall include a sewer profile;
 - v. Note 7 shall include "All construction shall meet Town of Merrimack Sanitary Sewer Engineering Standards-Latest Edition."
- c. Sheet 7:
 - i. Irrigation notes: Include a note that states "Merrimack Wastewater does not allow the use of "deduct" meters for billing purposes."
- d. Sheet 15:
 - i. Note 1: Minimum pipe size shall be 6";
 - ii. Note 2: SDR 35 is the accepted pipe;
 - iii. Note 6: Pipes shall be bedded with 6" of $\frac{3}{4}$ stone;
 - iv. Note 7: Remove entire Testing description and replace with low-pressure air and vacuum testing standards;
 - v. Note 10: Remove;
 - vi. Include manhole detail;
 - vii. Include backflow preventer detail outside foundation wall in sewer service detail;
 - viii. Include sewer manhole/pipe connection detail;
 - ix. Remove sewer cleanout detail.

12. The applicant shall address the following Planning Staff Technical Comments:

- a. A signature block for Planning Board signatures shall be added to recordable sheets of the final plans;
- b. Applicant to add a note per Section 4.16.c of the Subdivision and Site Plan Regulations;
- c. Applicant to include north arrow indicting True North per Section 4.06.1.e;
- d. Applicant to note Sheet T1 in Index of Sheets on Sheet 1;
- e. Applicant to substitute recommended plant varieties from Section 10.03.4 where possible within the proposed landscape schedule;

- f. Applicant to include CRI information that complies with Section 11.05.3 for parking lot lighting proposed on Sheet L1;
- g. Applicant to include the following statement that references the Stormwater Management Ordinance: "This project is subject to the requirements of the Town of Merrimack Stormwater Management Standards (Chapter 167 of the Town's code of ordinances). A Pre-construction meeting with the Town of Merrimack Community Development Department and Public Works Department shall take place at least two weeks prior to commencement of disturbance in accordance with Chapter 167 of the Stormwater Management Standards adopted by the Town of Merrimack Town Council on July 21, 2011".
- h. The applicant shall add a note per Section 4.06.1(k) with the required statement.

Staff notes that the following comments would likely become general and subsequent conditions at the time of approval:

1. The applicant is responsible for recording the plan (including recording fee and the \$25.00 LCHIP fee, check made payable to the Hillsborough County Treasurer) at the Hillsborough County Registry of Deeds. The applicant is also responsible for providing proof of said recording(s) to the Community Development Department;
2. Any proposed easements and/or applicable legal documents shall be recorded at the Hillsborough County Registry of Deeds at the expense of the applicant;
3. The applicant shall address the following comments from the Building Department, as applicable:
 - a. The building plan will require a permit application accompanied by one full size plan for review and an 11X17 plan for file. All plans will follow current adopted International Code Council criteria and NFPA 70 current adopted National Electric Code. Separate sign permits will be required. Any conditions that may be required by Planning Board, Zoning Board or Community Development must be met before issue of a building permit.
4. The applicant shall address the following comments from the Fire Department, as applicable:
 - a. The building shall be protected by an approved NFPA-13 compliant fire sprinkler system. (Town of Merrimack Building Zoning Ordinance and Building Code, Section 11) Plans shall be provided to this office for review and approval before a permit can be issued.
 - b. The building shall be protected by an approved NFPA-72 fire alarm system. Plans shall be provided to this office for review and approval before a permit can be issued.
5. The applicant shall address the following comments from the Wastewater Division;
 - a. All new sewerage lines and manholes installed are to be private. This system upon completion will be maintained by the owner not the Town of Merrimack;

- b. All buildings must have an outside backflow preventer (clean check brand or equal) as indicated by Merrimack Sewerage Construction Standards.

Cc: Planning Board File
Correspondence

Ec: Ronald L. Magoon, Franklin Savings Bank (applicant)
KRG Merrimack Village, LLC (owner)
James O'Neil, LLS, TFMoran, Inc.
Robert Duval, PE, TFMoran, Inc.
Building Department Staff
John Manuele, Merrimack Fire Department
Kyle Fox, Public Works Department

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